

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: Group Health Plan Litigation

Case No. 23-cv-00267 (JWB/DJF)

**DECLARATION OF CHRIS
LONGLEY ON BEHALF OF ATTICUS
ADMINISTRATION, LLC**

I, **CHRISTOPHER LONGLEY**, hereby declare as follows:

1. I am the Chief Executive Officer for Atticus Administration, LLC (“Atticus”). My business address is 1295 Northland Drive, Suite 160, St. Paul, Minnesota 55120. My telephone number is (612) 315-9007. I am a Minnesota licensed attorney on retired in active status, I am over twenty-one years of age and am authorized to make this declaration on behalf of Atticus and myself.

2. In 2016, I, along with other experienced legal, financial, digital marketing professionals and brand managers, founded Atticus in order to provide innovative and cost-effective notice campaigns and claims administration services to the class action legal sector.

3. Prior to founding Atticus, I served as the president of Dahl Administration, LLC, a nationally recognized claims administration company, where I oversaw over three hundred (300) settlements, including some of the highest profile cases over the last ten years, including, for example, *In Re Motor Fuel* (Hot Fuel), Case No. 2:07-md-01840 (KS 2016) and the *Target Data Breach, Financial Institutions*, No.14-md-02522 (MN 2015) class action settlement.

4. Atticus provides services in class action settlements involving, inter alia, antitrust, consumer fraud, financial services, data privacy and security breaches, insurance, ADA, civil rights, class certification notifications, Belaire-West notifications, and employment matters, including wage and hour, PAGA and FLSA collective actions.

5. Atticus's core competencies include pre-certification mailings, claims administration including the processing of claim forms, claim validation and anti-fraud detection, data preparation and data management, accounting services, tax reporting, qualified settlement fund management and escrow services, and distribution of funds.

6. Since its inception, Atticus has provided administrative services in over 1,100 class, collective or PAGA settlements and has disbursed approximately \$1.34 billion (See **Exhibit A**). Among the founders and team members of Atticus, collectively we have administered over 3,000 settlements and have disbursed over \$3 billion in settlement funds.

7. Atticus has specific comparable experience in administering data breach cases, including current and recent cases such as: *Abrams v Savannah College of Art & Design*, 1:22-CV-04297-LMM (ND Ga); *AM v Reproductive Associates LLC and MYEGGBANK North America, LLC*, 21-c-06178-S3 (State Court of Gwinnett Co, GA); *Bowdle v Kings Seafood Co., LLC*, SACV-21-01784-CJC (C.D. Cal.); *C.S. v DaVita, Inc.*, Case No. 2122-CC00414 (St. Louis, MO Circuit Court); *Coon v JS AutoWorld, Inc.*, Case No. A-23-869272-C (D.C. Clark Co., NV); *Currie v Joy Cone*, No. 2:23-cv-00764-CCW (W.D. Pa.); *Dias v Acrisure, LLC*, Case No. 24-02304-NZ (17th Judicial Cir. Mich.); *Guarino v Radius Financial Group, Inc.*, Civil Action No. 2283CV00196 (Mass.SJC); *Kirtley v Startek, Inc.*, Case No. 1:22-cv-00258-RMR-NRN (D Colo.); *McKittrick v Allwell Behavioral Services*, Case No. CH2022-0174 (Ohio); *Phelps v Toyotetsu America*, Civil Action No. 6:22-CV-106-CHB (E.D. Ky); *Rodriquez v River City Bank*, Case No. 34-2021-00296612 (Sacramento County, Cal); *Tarrant v Southland Holdings, LLC.*, Cause No. 067-

333679-22 (Tarrant County 67d Tex.) *T.D. v Mercy Hospitals East Communities* (HIPA Breach), Case No. 20SL-CC05974 (St. Louis Co., MO District Court), and *In Re Medical Review Institute of America, LLC, Data Breach Litigation*, Civil No. 2:22cv0082-DAK-DAO (D. Utah) among others.

8. I have reviewed the notice plan set forth in the Settlement Agreement, including the attached short form notice and long form notice, and based on my experience, I believe that the notice fully and clearly informs class members regarding the settlement. The information relayed by the notice includes that if a class member does not do anything in response to it, they will be bound by the settlement, and that they have options to exclude themselves from the settlement or make a claim using the claim form.

9. I have also reviewed the distribution plan set forth in the Settlement Agreement and based on my experience, I believe the distribution plan will effectively and efficiently distribute the settlement fund (excepting expenses, service awards, and attorneys' fees) to class members submitting claims.

10. Upon the Court's entry of a preliminary approval Order, Atticus will send notice of the proposed settlement ("Notice") to Class Members as per the Federal Judicial Centers, "*Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*" 2010. Based on my experience, delivery rates for sending Notice to known class members can be anywhere from 74% to 98%, depending on the age of the data file, and the amount of cleaning we perform on the list prior to sending Notice. It is in our best interest to take as many steps as feasible to ensure the accuracy of the data prior to dissemination.

11. It is my understanding that email address information is available for over 99% of the settlement Class. As such, Atticus's Notice Plan includes dissemination of the Notice by email to everyone for whom email addresses are received. Sending Notice by email is efficient and cost

effective, timely, provides immediate delivery to the intended recipients on electronic devices typically used, and provides to the most in-depth reporting and tracking capabilities of any of the methods of reach available. Atticus will have access to statistics on the number of emails successfully delivered and opened, an account of click-throughs to the case website link contained in the notice, and details on any emails addresses that are undeliverable or unsubscribed.

12. If, during its review of the data file, Atticus determines that the email address data potentially lacks integrity, Atticus will send the email addresses to a professional service for verification. The verification process tests both the existence and responsiveness of the address URLs to ensure that alternative noticing can be used for incomplete and inactive addresses.

13. Atticus will send a postcard or Short Form Notice by U.S. First Class Mail to the last known address of record for all Class Members for whom an email address was not received or the email address was deemed invalid during verification, and those whose emailed Notices are undeliverable or “bounce.” Prior to mailing Notice, Atticus will process the existing address information through the National Change of Address database (“NCOA”) maintained by the United States Postal Service (“USPS”). This process returns updated addresses for anyone who has filed a change of address card with the USPS during the past four years. If updated addresses are received through NCOA, those addresses shall be used in lieu of the original address received.

14. Any Short Form Notices that are returned to Atticus as undeliverable will be processed, sent to a professional service for address tracing and, if new address information is obtained through trace, remailed to the new address within three days of when the Notice is returned for address correction. Atticus uses a variety of tools for skip-tracing purposes to find addresses that have no forwarding location and undeliverable email addresses. These tools include Experian or IDI, and other professional resources like Experian or IDI to locate Class Members. Atticus will be best equipped to determine the best course of action after reviewing the data file

for this case.

15. Atticus has also obtained the URL address www.ghppixelsettlement.com as agreed to by the parties and will establish the content at the website URL to serve as the settlement website for this matter. The website will include, among other things, answers to frequently asked questions about the settlement, the Long Form Notice, important dates and deadlines associated with the settlement, access to documents filed with the Court, and contact information for Atticus, including an email address and toll-free telephone number.

16. For budget purposes, Atticus is anticipating the claims take rate will be 10%. Based on our experience in administering data breach cases, however, the claims rate can vary based on, and often impacted by other factors, including age of the data file, reach of class, and size of the award.

17. Atticus has agreed to a capped fee to administer the above-captioned case, for approximately \$312,627. If the scope of work increases or decreases significantly, Atticus will inform the parties and request approval of an adjustment. This fee includes all normal costs to administer a settlement, including emailing and mailing, printing, skip-tracing and NCOA searches in preparation of disseminating notice, all costs associated with communications, including live telephone support, and 800 toll-free number, and an interactive settlement website as well as all costs associated with the distribution of settlement awards, including payment calculations, establishing a qualified settlement fund and the correlating account management and tax reporting. A copy of our bid is attached as to this Declaration as **Exhibit B**.

18. Atticus maintains insurance with AAA rated insurance carriers for professional liability and cybersecurity. Further it is Atticus' policy to warrant the work performed on all errors and omissions, on all projects, including distribution of funds to class members, without additional charges to our clients.

19. Atticus takes its obligation to secure information systems and protect the privacy of all client data very seriously. A copy of Atticus' *Data Security Information & Privacy Policy* that outlines the standard operating procedures for the handling, collection, storage and use of client data is attached to this Declaration as **Exhibit C**.

20. I further attest to the fact that Atticus has no independent financial relationship with either plaintiffs, plaintiffs' counsel, defendants or defense counsel in this matter. Nor, upon review does Atticus have any conflicts, or potential conflicts with any member of the class in this matter.

I declare under penalty of perjury under the laws of the United States of America and the State of Minnesota that the foregoing is true and correct to the best of my knowledge.

Executed this 25th day of July 2024, at St. Paul, Minnesota.



Chris Longley | CEO
Atticus Administration, LLC